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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/620,799	07/17/2003	Daniel Arnoux	402719/WEINSTEIN	8458
23548	7590	07/26/2004	EXAMINER	
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			CHAN, EMILY Y	
			ART UNIT	PAPER NUMBER
			2829	

DATE MAILED: 07/26/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>	
	10/620,799	ARNOUX ET AL.	
	<b>Examiner</b>	<b>Art Unit</b>	
	Emily Y Chan	2829	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-10 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☐ Claim(s) \_\_\_\_\_ is/are rejected.
- 7) ☒ Claim(s) 3 and 6-8 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All    b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)               | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>1203</u>  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. Claim 1 is rejected under 35 U.S.C. 102 (b) as being anticipated by Carr et al ('569)

Carr et al ('569) disclose a multimeter instrument (Fig. 1, 10) for measuring a plurality of variables (see Fig 2a, 2b, 2c and Col. 5, lines 51-67 and Col. 6, lines 1-22), comprising:

a plurality of measurement means (see Col. 6, lines 23, "different test options") , each measurement means being associated with a respective variable (see Figs 4a-4f, different menus routings), each being associated with respective measurements,

a device (Col. 6, line 23 " touch screen interface") for selection of the variable to be measured,

a selection device (touch screen 18) having touch-sensitive zones for selection of the variable to be measured, and

means ( computer 12) for activating the measurement means associated with the variable selected and including touch-sensitive selection zones (18).

Therefore, Carr et al ('569) anticipate the claim 1.

***Claim Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 2, 4-5 and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Carr et al ('569) in view of Batson et al ('030).

Regarding to claim 2, Carr et al ('569) disclose that the means (computer 12) for activating the measuring means includes a microprocessor (see Col. 7, lines 60-61, 80486 microprocessor), but fail to disclose a relay for activating the microprocessor.

Regarding to claim 4, Carr et al ('569) teach that their variables (different tests options) are subdivided into several families and also teach a touch –sensitive menu zones for selection of a variable (Fig. 3b, 72,74,76,) within a family. Carr et al ('569) do not teach that their touch –sensitive selection zones comprise touch sensitive family zones for selection of a family of variables.

Batson et al ('030) disclose a digital oscilloscope (see Fig. 2) including a touch screen mechanism and exclusively teach a relay (50) for activating the microprocessor (44)(see Col. 6, lines 8-14) for claim 2. Batson et al ('030) also teach that their touch screen (19) includes touch sensitive family zones (see Fig. 1, 18) for selection of a family of variables (waveforms, trigger, measure, store/recall utility) and a touch -sensitive menu zones that is permitting an operator for selection of a variable (e.g., selection of a waveform) within a family (see Abstract and Col. 4, lines 20-25) for claim 4.

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to include the relay (50) and touch -sensitive family zones as taught by Batson et al ('030) into Carr et al ('30) 's system for the expected benefit of tending to reduce opportunity for operator error since item selection is direct and intuitive as disclosed by Batson et al ('030)(see Col. 1, lines 50-53).

3. Regarding to claim 5, Carr et al ('569) disclose means (Col. 10, lines 26-28 and Fig. 4d) of measuring electrical current, a current input socket (104), a measurement cord (52) and means (Fig. 5) for detecting connection of the cord to the current input socket (104).

4. Regarding to claim 9, Batson et al ('030) teach their touch sensitive family zones (18) are arranged in rectangular position, therefore, it would have been obvious to one of ordinary skill in the art that the physical position of the touch-sensitive zones (18) can be changed from a rectangular shape to that of a circle by merely rearranging the Batson et al ('030) 's touch sensitive family zones (18).

5. Claim 10 is rejected under 35 U.S.C. 103(a) as being unpatentable over Carr et al ('569) in view of Batson et al ('030) and further in view of Kahkoska ('372).

Carr et al ('569) in view of Batson et al ('030) do not disclose a light indicator for indicating the family selected.

Kahkoska ('372) disclose a touchscreen display system for a test instrument and exclusively teach a set of indicators (60,62,64,66) that are directly linked to the softkeys (70,72,74,76) for indicating the family (e. g., link 70, util 72, colsn 74 and error 76) selected (see Fig. 2).

It would have been obvious to one of ordinary skill in the art at the time the claimed invention was made to add the light indicator of Kahkoska ('372) into Carr et al ('30) and Batson et al ('030) 's system for the expected benefit of providing an easily interpreted indication of the selected parameter that may be viewed in any lighting condition, over a wide viewing angle, and without having to view and interpret the touchscreen display as disclosed by Kahkoska ('372) (see Col. 3, lines 5-8).

***Allowable Subject Matter***

6. Claims 3, 6 - 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter.

Claims 3 and 6-8 are indicated allowable because the prior art of record do not disclose or suggest the detail of the circuitry such as the switching circuit connecting the plurality of input sockets and controlled by the microprocessor recited in claim 3, the current input socket including two half-sockets and detection means for detecting the shot circuit of the two half-sockets recited in claims 6 and 8, and means automatically activating the current measuring means when the connection between the cord to current input socket is detected recited in claim 7.

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Bald et al ('484) disclose an electrical test instrument comprising a touch-sensitive selection zones for selection of a family of variables and a touch-sensitive menu zones for selection of a variable within a family (see Figs. 2 and 5-8).

Henkelmann ('841) discloses a multimeter for measuring various variables.


### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Emily Y Chan whose telephone number is 5712721956. The examiner can normally be reached on 8:30-5:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Cuneo Kammie can be reached on 5712721957. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ec  
7-12-04

  
**DAVID ZARNEKE**  
**PRIMARY EXAMINER**  
7/20/04